

III. REMARKS

1. Claims 1-6, 8 and 12-15 are pending. Claims 14 and 15 are amended.

2. Claims 1-6, 8 and 12-15 are patentable under 35 U.S.C. 103(a) over Shen, U.S. Patent No. 6,428,475 and Richton, U.S. Patent No. 6,650,902. Claim 1 recites that the wireless receiver is configured to "receive information" from a physical condition arrangement, a physical activity arrangement, a location arrangement and a task activity arrangement and that the control unit makes decision based on the "received information". The combination of Shen and Richton does not disclose or suggest at least these features.

Shen discloses a mobile phone combined physiological function detector (10) (Abstract). When the mobile phone set (10) enters the measuring mode, the receiving circuit (111) is ready for receiving a signal from the measurer (20). The received signal is decoded by the decoder 112 and compared with a standard level of the comparator (113). When the measured value outruns the healthy value, a control circuit (14) will be triggered to drive a buzzer (13) alarming intermittently and showing the measured value in the display (12) for alerting a user of his health conditions. (Col. 2, L. 46-54). The mobile phone set (10) is disclosed as measuring a user's pulse, concentration of blood oxygen, blood sugar, and even body temperature. (Col. 2, L. 63 - Col. 3, L. 6).

Shen only discloses obtaining data such as "blood pressure, pulse and etc." (Col. 2, L. 28-30). There is no disclosure in Shen related to a "physical activity arrangement" as suggested by the Examiner. The only disclosure in Shen relates to "physiological

function" detection (Col. 2, L. 20-25). The sensor (21) is used to touch the human skin (Col. 2, L. 63-65). Shen can be used to measure indices such as "blood oxygen, blood sugar or even body temperature" (Col. 3, L. 3-6; Col. 3, L. 13-15). However, there is no disclosure related to a "physical activity arrangement" as claimed by Applicant. Column 2, lines 42-50 of Shen, referred to by the Examiner, only discloses a receiving module for receiving signals from the measurer (20). There is no disclosure here of a "physical activity arrangement" as claimed by Applicant.

The Examiner notes that Shen does not disclose or suggest a wireless receiver configured to receive information from a "location arrangement" and a "task activity arrangement" as claimed by Applicant. Combining Shen with Richton fails to remedy these deficiencies.

Richton discloses a wireless telecommunications system that uses location or position information of a wireless mobile unit to initiate the sending of location specific information to travelers. As position information is received, it is compared to prestored position information of a remote location, such as an airport. As the traveler approaches the remote location, and gets within a certain distance of the remote location, information such as airline arrival information is retrieved and sent to the wireless mobile unit of the traveler. (Abstract).

Nowhere does Richton disclose or suggest a wireless receiver configured to receive information from a "physical activity arrangement", a "location arrangement" and a "task activity arrangement" as claimed by Applicant. In Richton only location information is received in the mobile unit. Richton enables the use of "location finding" capabilities of wireless telecommunication systems (Col. 2, L. 40-44). The information

directed to a user has a "relationship with his location" (Col. 2, L. 45-46 and 55-58). The system provides "location-based services based on location" of the unit (Col. 2, L. 65 - Col. 3, L. 8).

Column 7, line 66 through column 9, line 16 and column 9, lines 37-50 of Richton, referred to by the Examiner, only discloses "location-based services". The network monitors the location of the mobile unit which are sent to the location service controller (301) (Col. 9, L. 37-42). Nothing here, or anywhere else in Richton, discloses or suggests that the "received information" is "from a physical condition arrangement, a physical activity arrangement, a location arrangement and a task activity arrangement" as claimed by Applicant.

The combination of Shen and Richton cannot disclose each and every feature claimed by Applicant. Shen can only be considered to possibly disclose a physical condition arrangement while Richton only discloses a location arrangement. The reference considered individually or in combination fail to disclose at least a physical activity arrangement and a task activity arrangement. Thus, the combination of Shen and Richton fails to disclose all of the features of Applicant's claim 1. Claims 6 and 12-14 are patentable over the combination of Shen and Richton for reasons substantially similar to those described above with respect to claim 1. Claims 2-5, 8 and 15 are patentable at least by reason of their respective dependencies.

Moreover, it is respectfully submitted that there is no legal motivation to combine Shen with Richton. In order to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary

skill in the art, to modify the reference or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. § 2142). As noted above, the combination of Shen and Richton does not disclose or suggest each feature of Applicant's claims. Thus, at least for this reason a *prima facie* case of obviousness cannot be established.

Furthermore, neither Shen nor Richton provide any suggestion or motivation to be combined or modified as proposed by the Examiner and the Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual contents of Shen or Richton.

Shen is directed to monitoring the physiological functions of a user while Richton is directed to providing a traveler with travel information. There is no reason to combine a reference related to physiological function monitoring with location-based services. Motivation for purposes of 35 U.S.C. 103(a) requires that the reference itself and/or the knowledge generally available to one of skill in the art provide the requisite motivation or suggestion to modify the reference. One skilled in the art would not look to references for providing travel information to a user to modify the physiological condition monitor of Shen with the location-based services of Richton. The travel information provided by Richton simply does not add any additional value to the physiological function detection of Shen and vice versa. There is absolutely no motivation in either of the references to modify or combine the reference teaching as suggested by the Examiner to obtain what is recited by

Applicant's claims. Perhaps with the use of hindsight reasoning one might find such motivation but that is impermissible.

When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1057 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the reference. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Shen and Richton under 35 U.S.C. 103(a) is not established.

Applicants also submit that Shen and Richton have been combined improperly. References may be combined under 35 U.S.C. 103(a) only if the references are analogous art. In this case Richton is not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the Applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the Applicant was concerned.

Richton is not in the same field of endeavor as the Applicants' endeavor. Richton is directed to a wireless telecommunications system that uses location or position information of a wireless mobile unit to provide location-specific information to travelers (Abstract). The system provides "location-based services based on location" of the unit (Col. 2, L. 65 - Col. 3, L. 8). In Richton, information tied to the position of the wireless mobile unit, such as airline or traffic information is obtained (Abstract). Applicant is not at all concerned with providing the location-based services of Richton as is readily apparent from

Applicant's disclosure and claims. Rather, the Applicant is concerned with controlling the activity status data of an individual or a member of a work group. Thus, Richton is not in the same field of endeavor as Applicant's.

In addition, Richton is not reasonably pertinent to the particular problem with which the Applicant was concerned. The Applicant is concerned with providing a context-based arrangement and device/reminder for controlling the activity status data of an individual or a member of a work group. Richton is not at all concerned with controlling the activity status data of an individual or a member of a work group as described in Applicant's disclosure and claims. Rather, Richton is solely concerned with providing location-specific information to travelers. In Richton, the location finding capability of a wireless telecommunication system is exploited to provide location-based information, such as traffic, advertising or airline information (Abstract, L. 9-11 and Col. 3, L. 66-67), back to the wireless mobile unit, based on the location of the mobile unit (Col. 2, L. 43-44 and Col. 3, L. 3-5). Thus, Richton does not address the problem addressed by Applicants. Since Richton is not in the same field of endeavor as the Applicant's endeavor and is not reasonably pertinent to the particular problem with which Applicant was concerned, Richton is not analogous art. Therefore, Richton may not be properly combined with Shen.

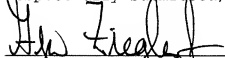
Furthermore, claims 2 and 8 recite a memory part of which is arranged so as to provide an activity log in the reminder. As described above, the combination of Shen and Richton do not disclose or suggest the detection of physical activity. Thus they cannot disclose a physical activity log as claimed in claims

2 and 8. Therefore, claims 2 and 8 are patentable for this additional reason.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Respectfully submitted,


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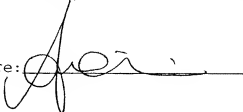
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